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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/225,208	01/04/1999	YOSHIFUSA TOGAWA	122.1212/NLO	2746

21171 7590 01/27/2004

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EXAMINER	
CHENCINSKI, SIEGFRIED E	
ART UNIT	**PAPER NUMBER**
3628	

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/225,208	Applicant(s) TOGAWA ET AL.	
	Examiner Siegfried E. Chencinski	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 25-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 25-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

1. Minor Informalities

Applicant's Amendment of October 20, 2003 does not contain a response to the Examiner's request in the last Office Action to clarify the status of claim 31, while continuing to declare that "Claim 1-18 and 25-34 are pending" (Page 9, line 5). Applicant has explicitly reaffirmed the status of every other claim, claims 1-18 and claims 25-30 and 32-34 by reciting each claim and indicating its status (e.g. "CURRENTLY AMENDED", "PREVIOUSLY PRESENTED", "ORIGINAL", etc.). Applicant originally added claim 31, dependent on claim 30, in an Amendment action entered on March 2, 1999 as paper number 4. Applicant last made a full, explicit recitation of claim 31 as "TWICE AMENDED" in the Amendment entered on October 16, 2001 as Paper 11, still dependent on claim 30. The Claim is pending in the following detail:

Claim 31 (TWICE AMENDED). The computer readable medium of claim 30, the program further comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, at least one of a job period, group members, the resources allocated to the job to be carried out by the group, and permission information of the resources.

The Examiner continues to act on the assumption that claim 31 (TWICE AMENDED version) continues to be pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claims 1-18, 25-29 & 32 are rejected** under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Re. Claim 1, the Specification does not contain the expression "a group of workers as a job".

Re. Claim 4, the Specification does not include an "emergency worker group", only an "emergency group".

Re. Claim 6, the Specification does not disclose that the system includes a) a "request unit", and b) "group permission information".

Re. Claim 27. (a) The Specification does not contain the expression "a group of workers as a job". (b) The Specification does not support two limitations contained in claim element (g)("controlling, in real time ..."). These two phrases are: "to a job object of a first worker group from another worker group", and "to use the job object of the first worker group is not allocated'. The unsupported component is a worker group having a job object. It is the job which has the job object, the worker group and the worker group's members as resources. Wording consistent with the Specification would be "job object of a first job", and "the job object of the first job is not allocated". The job objects are there for the worker group to use while working on that particular job, and to use other job objects obtained from other jobs when so authorized for the completion of the job they are assigned to and therefore are part of.

Claims 2-18, 25, 26, 28 and 32 are rejected because they depend on claim 1.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-18, 25, 26, 29 and 32 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re. Claim 1, the claim's grammatical construction is such as to make the claim's meaning indefinite. The particular problem areas are the prolog and the third limitation element, which begins with the words "a job monitor real-time monitoring, job processing ....". The problem with the wording of the prolog and the claim element is the indefiniteness of how the expression "real time" fits in. A second problem in the claim element is with the phrase "... real-time controlling sharing of the job objects ...". In the prolog, a suggested rewording is " ... a computer system performing real-time management of object-oriented system objects as objects ... ". For the claim element, a suggestion for rewording it is "A job monitor performing real-time monitoring of job processing by the worker groups and the real time control of the sharing of the job objects .....".

Re. Claim 29, the claim's wording is indefinite because of the indefinite grammatical structure of the phrase "wherein as the job object conditions definition form identifies for each worker group information indicating ...". A rephrasing consistent with the Specification would be: "wherein the job object conditions definition form identifies information relating to a job assigned to a worker group, indicating the rights to use the job objects, and at least one of ....".

Re. Claim 32, the claim remains indefinite because of its grammatical construction. The source of the indefiniteness lies in the phrase "wherein as the job-object conditions a job definition form identifies for each worker group, information indicating rights to use job objects, and ...". The balance of the sentence is definite. A suggested correction of the phrase could read "wherein, as a job-object condition, a job definition form identifies information for each worker group indicating rights to use job objects, and ...".

Claims 2-18, 25, 26 and 32 are also rejected because they depend on claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1, 3, 5, 27, 30, 33 and 34 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040) in view of Matsuzaki (US Patent No. 5,767,848).

Re. Claims 1, 27, 30, 33 & 34, Fargher discloses a computer system real-time managing object-oriented system objects as job objects among groups of workers as worker groups in communication with each other via networked computers, said computer system comprising:

- a resource manager managing the job-object conditions worker group by worker group in real-time based upon the job definition form;
- a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects, according to each worker group procedure defined in the job definition form; and
- a job monitor real-time monitoring job processing by the worker groups and real-time controlling sharing of the job-objects among the worker groups while maintaining security of the job objects according to the job-object conditions managed by the resource manager, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated.

(Col. 4, lines 19-21; Col. 7, line 3; Col. 5, line 35 - Col. 7, line 62)

- Fargher does not explicitly disclose a form generator generating job definition forms that define worker groups to process the objects of the object-oriented system as the job objects according to job-object conditions, each job definition form representing a group of workers as a job.

However, the use of forms of all kinds, particularly those drawn up by hand, those preprinted and those programmed to be printed by computer printers are an ever present component of life in every facet of business activity, including in the management of projects, computer operations and manufacturing. As such, the use of job definition forms defining worker groups that process the job objects according to job-

object conditions are implicit to the description of any system managing projects, jobs and/or groups of workers. The use of forms would therefore also have been obvious within the Fargher disclosure, as well to an ordinary practitioner of the art designing applicant's system as a communications tool in order to efficiently administer applicant's system.

Also, Matsuzaki actually discloses a resource manager managing the job-object conditions worker group by worker group in real-time; a job monitor monitoring, in real-time, job processing by the worker groups based upon the job definition forms and maintaining security of the job objects according to the job-object conditions in real-time, thereby for a first worker group inhibiting access to the job objects thereof from another worker group to which permission to use the job objects of the first worker group is not allocated; as well as a scheduler establishing the job-object conditions and scheduling each worker group to process the job objects according to each worker group procedure defined in the job definition form, in response to the job processing information provided by said job monitor, and using forms in the management of projects. (Abstract; Col. 5, line 35 - Col. 7, line 65; Forms and Projects - Col. 19, line 67 – Col. 20, line 9).

It would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher with that of Matsuzaki for the purpose designing an efficient worker task management system involving applicant's invention.

Re. Claim 3, The system according to claim 1, further comprising a rearranging unit that manages worker rearrangements among the worker groups and manages the job-object conditions of the rearranged worker groups according to progress of the jobs from the job monitor, wherein said job monitor

monitors the job processing and the job objects of the worker groups according to information from said rearranging unit (Col. 9, line 40 to Col. 10, line 46).

Re. **Claim 5,** Fargher discloses a system according to claim 1, wherein said job monitor performs at least one of transferring a job object from one of the worker

groups to another worker group and automatically changing the job objects of any one of the worker groups according to a procedure (Col. 5, lines 10 - Col. 6, line 67).

5. Claims 4, 6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040) in view of Matsuzaki (US Patent No. 5767848)and further in view of the IBM Disclosure Bulletin (December 1991, US, Vol. 34, Issue Number 7B, Page Number 114-117, Extensible Access Control List Mechanism, heretofore IBM).

Re. Claim 4, neither Fargher or Matsuzaki explicitly disclose a system according to claim 1, wherein: a system according to claim 1, wherein: an emergency worker group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency worker group for accessing a job object. However, IBM discloses a system according to claim 1, wherein: an emergency worker group is allowed to access every job object of every worker group; and the job monitor accepts any request from the emergency worker group for accessing a job object (IBM, Text, page 1, lines 1-9, page 2, lines 6-11, 11-49) because the IBM disclosure makes a provision for full access by any group such as group admin which is anticipated to
require access. It would therefore have been obvious to an ordinary practitioner of the art at the time of the invention to include the IBM disclosure's access to all functions of all job objects to emergency workers and emergency worker groups, and any personnel who are anticipated to require emergency access to make sure that emergencies can be dealt with at any time whenever such is necessary for the advantage of the organization.

Re. Claim 6, neither Fargher or Matsuzaki explicitly disclose a system according to claim 1, wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group permission information to contact the second group for permission to use the job object.

However, IBM discloses a system according to claim 1, wherein the job definition forms define group permission information, the system further comprising a request unit that, when a first group makes a request to use a job object of a second group, uses the group

permission information to contact the second group for permission to use the job object (IBM, Full document). It would thus have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with that of the IBM Disclosure Bulletin for the purpose designing an efficient worker task management system involving applicant's invention.

Re. **Claims 11-15,** neither Fargher nor IBM explicitly disclose

- a system according to claim 6, wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system according to claim 6, wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.
- a system according to claim 6, wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.
- a system according to claim 6, wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.
- a system according to claim 6, wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name.

However, Matsuzaki discloses

- a system according to claim 6, wherein said job monitor holds the schedules of the jobs of the worker groups and exchanges the jobs among the worker groups;
- a system according to claim 6, wherein said job monitor limits location, period, and each worker group to handle a job object, to thereby strictly maintain the security of the job object.
- a system according to claim 6, wherein said job monitor indicates whether permission for use of the job object is to be granted upon approval of all or some of the members of the second worker group.

- a system according to claim 6, wherein said job monitor adds a name of a worker group to which a job object belongs to a name of the job object, whereby plural job objects having the same name can be allocated to the worker group.
a system according to claim 6, wherein said job monitor allocates a representative name to a set of job objects and identically handles the job objects under the representative name (Col. 5, line 35 - Col. 7, line 65).
It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher with those of Matsuzaki in order to identify a member who assumes responsibility for the resources when all conditions are confirmed.

6. **Claims 2, 28-29, 31-32** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fargher et al.(US Patent No. 5,826,040), Matsuzaki (US Patent No. 5767848), the IBM Disclosure as applied to claims 1, 33 and 34 above and further in view of Rapozo (PC Week v12, n19, p74(2).
The teachings of Fargher, Matsuzaki and IBM are discussed above.
Re. **Claims 2, 28-29 and 31-32,** neither Fargher, Matsuzaki or IBM explicitly disclose:
Re. Claim 2, a system according to claim 1, wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups;
Re. Claim 28, a method according to claim 27, further comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects.
Re. Claim 29), a method according to claim 28, wherein as the job object conditions a job definition form identifies for each worker group, information indicating the rights to use the job objects, and at least one of a job period, worker group members, processes, the job objects allocated to the job carried out by the worker group, and permission information of the job objects.
Re. Claim 31), a computer readable medium of claim 30, the program further comprising a function of storing a job definition form defining for each group the jobs,

the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, at least one of a job period, group members, the resources allocated to the job to be carried out by the group, and permission information of the resources.

Re. Claim 32, a system according to claim 2, wherein as the job-object conditions a job definition form identifies for each worker group, information indicating rights to use the job objects, and at least one of a job period, worker group members, the job objects allocated to the job to be carried out by the worker group, and the permission information of the job objects.

However, **Re. Claim 2,** Rapozo discloses a system according to claim 1, wherein said resource manager, job monitor, and scheduler exchange rights to use the job objects among the worker groups (Article);

Re. Claim 28, IBM discloses a method according to claim 27, further comprising setting as one of the job-object conditions rights to use the job objects among the worker groups processing the job objects (IBM Disclosure Document);

Re. Claims 29 & 32, Farghar, Matsuzaki and IBM disclose a system according to claim 2 and a method according to claim 28, wherein as the job object conditions a job definition form identifies for each worker group, information indicating the rights to use the job objects, and at least one of a job period, worker group members, processes, the job objects allocated to the job carried out by the worker group, and permission information of the job objects (Supra); and

Re. Claim 31, Farghar, Matsuzaki and IBM disclose a computer readable medium of claim 30, the program further comprising a function of storing a job definition form defining for each group the jobs, the form indicating rights to use the resources, wherein the job definition form identifies for each job carried out by each group, as information indicating the rights to use the resources, at least one of a job period, group member, the resources allocated to the job to be carried out by the group, and permission information of the resources (Supra).

It would have been obvious obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Rapozo to avoid conflict among the groups and also to maximize the organization's production.

7. **Claims 7-9 & 25 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki and IBM, and further in view of Persham (US Patent 5,260,986), Hwang (US Patent 5,530,892), Gaskill (US Patent 5,440,559), Morishima, (US Patent 5,589,956) and D'Agosto (US Patent4,975,896).
said audio I/O unit is a microphone.
Re. Claims 7-9 & 25, neither Fargher, Matsuzaki or IBM explicitly disclose a:

- **Re. Claim 7,** a system according to claim 6, wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object;
- **Re. Claim 8,** a system according to claim 6, wherein a request unit uses one of a telephone, a notebook computer, an electronic notepad, and a workstation through one of a wide-area network, a personal computer communication network and a wireless network to request the second worker group for permission to use the job object;
- **Re. Claim 9,** a system according to claim 6, further comprising a visual I/O unit and an audio I/O unit to request the second worker group for permission to use the job object;
- **Re. Claim 25),** a system according to claim 9, wherein:
    - o a visual I/O unit is a television camera; and
    - o a audio I/O unit is a microphone.

However, Persham discloses a system according to claim 6, wherein a request unit uses one of a telephone and a pager to request the second worker group for permission to use the job object (Abstract).

Hwang discloses a system according to claim 6, wherein a request unit uses one of a telephone, a notebook computer, an electronic notepad, and a workstation through one of a wide-area network, a personal computer communication network (Abstract).
Gaskill discloses a wireless network to request the second worker group for permission to use the job object (Abstract).
D'Agosto discloses a system according to claim 6, further comprising a visual I/O unit and an audio 110 unit to request the second worker group for permission to use the job object (Abstract).
Morishima discloses a system according to claim 9, wherein a visual I/O unit is a television camera (Col. 6, lines 44-45).
D'Agosto discloses a system according to claim 9, wherein an audio I/O unit is a microphone (Col. 11, line 54).
It would have been obvious to an ordinary practitioner of the art at the time of the invention to combine the disclosures of Fargher, Matsuzaki and IBM with the disclosures of Persham, Hwang, Gaskill, D'Agosto and Morishima to achieve the most time efficient and rapid communications among workers in various work groups.

8. **Claims 10, 26,17 and 18 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki and IBM, and further in view of Waldren (US Patent 4,884,219), Zinsmeyer (US Patent 3,927,800) and Morishima (US Patent 5,589,956).
Re. Claims 10 and 26, neither Fargher, Matsuzaki nor IBM explicitly disclose a system according to claim 6, further comprising:

- an input device, attached to a selected member of the second worker group, for identifying and locating the member; and
- a system according to claim 10, wherein
    - an input unit is one of a sensor and a transmitter; and
    - a positing unit is a television camera.

However, Waldren discloses a system according to claim 10, herein said input device is a virtual-reality device attached to the selected member, to identify the location of the member (Abstract).

Zinsmeyer discloses a system where said input unit is one of a sensor and a transmitter. Morishima discloses a positioning unit generating an image of the selected member, said input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object, and a system where a positing unit is a television camera. It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Waldren, Zinsmeyer and Morishima for efficiency and security purposes.

Re. Claim 17, neither Fargher, Matsuzaki or IBM explicitly disclose a system according to claim 10, wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object.

However, Morishima discloses a system according to claim 10, wherein an input device is a head-mount display worn by the selected member so that the member may give permission to use the job object (Col. 16, line 64 - Col. 17, line 41).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosure of Fargher, Matsuzaki and IBM with that of Morishima in order to equip work group members with head-mount image display technology to provide an efficient communications response capability to work group members of the organization for the purposes of efficient communication and increased security.

Re. Claim 18, neither Fargher nor Matsuzaki explicitly disclose a system according to claim 10, wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device.

However IBM discloses a system according to claim 10, wherein said input device is provided with at least one of a password and an ID, to prevent illegal access to said input device (Text, page 1, lines 1-21).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher and Matsuzaki with those of IBM for the simple reason of preventing illegal access to the device.

9. **Claim 16 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Fargher, in view of Matsuzaki, IBM, Waldren, Zinsmeyer and Morishima, and further in view of Weber (US Patent 4,995,071).

Re. Claim 16, neither Fargher, Matsuzaki, IBM, Waldren, Zinsmeyer or Morishima explicitly disclose a system according to claim 10, wherein said input device is a virtual-reality device attached to the selected member, to identify the location of the member. However, Weber discloses a system according to claim 10, wherein an input device is a positioning unit generating an image of the selected member, the input unit and positioning unit being used to directly request the member of the second worker group for permission to use the job object (Abstract).

It would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to combine the disclosures of Fargher, Matsuzaki and IBM with those of Weber for efficiency and security purposes.

Response to Arguments

10. Applicant's arguments filed October 20, 2003 have been fully considered but they are not persuasive.

A. ARGUMENTS RE. 35 USC 112, FIRST PARAGRAPH REJECTIONS

The Examiner rejects claims 1-18, 25, 26 and 32 under 35 USC 112, first paragraph, for allegedly not being enabled.

In regard to the 35 USC 112, first paragraph, rejections, the Examiner asserts that

(1) the recitation, **"real-time"** is not disclosed in the specification.

(2) In regard to the claim 1 recitations, **"form generator,"** and **"representing a group of workers as a job,"** FIGS. 8, 9 and 36, expressly describe that the system of the invention uses a job definition form that treats job resource information according to "worker groups" (i.e., "PROCEDURE: GROUP A (Job A1), ... GROUP B (Job B1), ...";

or GROUP: C, PROCEDURE JOB: Development A). Page 8, lines 16-20 of the Application disclose that the procedure memory 1 stores and updates a job definition form 11 that defines the period, members, processes, windows, objects, and data of each job of each group. See also, page 16, lines 14-20 of the Application. Further, page 11, line 32 to page 12, line 2, expressly describes function of the job definition form 11 as controlling the jobs of all worker groups according to worker group by worker group and that each schedule is made according to the job definition forms.

(3) Regarding the claim 4 recitation, **"emergency worker group,"** the specification is absolutely clear that a group includes members who are workers. See, for example, page 2, lines 27-30. The emergency group 6 is allowed to access every resource of every group, in response to a trouble notice from the job monitor 2 (page 9, lines 21-24; page 14, lines 6-13; and FIG. 3B).

(4) Regarding the claim 6 recitations, **"job definition form defines group permission information,"** and **"request unit,"** the specification describes that the job definition form 11 defines group permission information, that a group sends a request to the job monitor 2 to access a resource, and that the job monitor 2 determines whether the request is acceptable according to the job definition form 11 (see, page 9, line 25 to page 10, line 11). Such acceptability is based upon the permission information in the job definition form 11 (page 12, lines 14-24). FIGS. 36(A) and (B) is a job definition form, which expressly discloses permission information of GROUP C performing JOB A for each resource, such as WINDOW, OBJECT, DATA (page 27, lines 14-18).

Withdrawal of the 35 USC 112, first paragraph, rejections is respectfully requested.

RESPONSE:

(1) The argument that "real time" used in claim 1 is disclosed in the Specification is accepted and this rejection is withdrawn.

(2)(a) The argument that the specifications include a "form generator" as used in claim 1 is accepted.

(2)(b) The argument that the expression **"a group of workers as a job"** used in claim 1 is not accepted because this term is not found in the Specification. The referenced lines used in the argument indicate that a job has workers and that worker groups are

assigned to a job. However, the Specification indicates that workers in a job group and in a job can be changed. More importantly, the Specification does not offer the definition of a group of workers, or a worker group, as a job. A worker group is not made the basis of a job definition. The Specification only associates a worker group with a job. It is logically incorrect to consider a worker group as being definitionally synonymous with a job. The Specification logically maintains the focus on the production of jobs and does not make the completion of a job dependent on specific workers, their status, their identity or their composition. Page 10, lines 4-5 explicitly dissociate a worker group from being defined as a job by stating: "When a group completes a job to another, the job monitor automatically switches the resources of the group to others ....". The (worker) group is not a job as per the Specification. The wording of claim 31 is true to the Specification on this issue.

(3) The argument that the term **"emergency worker group"** used in claim 4 is contained in the Specification is not accepted. Applicant's reference only cites the phrase which states that jobs are to be carried out by "by groups of workers". Applicant's second reference on page 9 contains the phrase "emergency group 6". The emergency group is not tasked to carry out jobs. The Specification does not define the term "emergency group" as an "emergency worker group". In fact, the Specification uses the term "emergency group" repeatedly, which makes it reasonable to assume that there is a reason for holding to that expression. For example, maintaining the expression "emergency group" in the Specification permits and suggests a broader definition of who can be part of such a group. The term "emergency group" could include a supervisor, a member of management, an outside consultant or a contractor, just to name a few possibilities, while the term "emergency worker group" is more limiting because it restricts th composition of the emergency group to workers. The specification would have to define the composition of the group more narrowly to only include workers. The use of the term workers throughout the specification connotes non management, non supervisory employees.

(4)(a) The argument that the Specifications contain the expression **"job definition form defines group permission information"** as used in claim 6 is accepted.

(4)(b) The rejection of claim 6 on the basis of the Specification not containing the expression **"request unit"** is upheld because the expression "request unit" conveys the idea of a formal label. The term "request unit" is not found in the Specification. A generic way of conveying the same idea would be the phrase "requesting unit".

(4)(c) The rejection of claim 6 on the basis of the Specification not containing the expression **"group permission information" (not argued)** is maintained because the permission information is related to jobs. A (worker) group is only related to the permissions while it is assigned to work on a given job. It is the job which is directly related to a "job definition form". As stated above, the Specification does not define a worker group as a job. It is illogical to make the relationship's transfer from the job to the worker group in any formal, definitional way. The term "job permission information" would be a reasonable and acceptable generic expression to use in claim 6 because it directly and correctly describes the content of the Specification.

B. ARGUMENTS RE. 35 USC 112, SECOND PARAGRAPH REJECTIONS

The Examiner rejects claims 1-18, 25, 26, 29 and 32 for indefiniteness under 35 USC 112, second paragraph. The Examiner alleges that the claim recitations have an indefinite meaning. The independent claims 1, 27, 30, 33 and 34 are amended taking into consideration the Examiner's comments. The Applicants respectfully assert the claims clearly recite the invention idea of processing jobs based upon worker group by worker group (i.e., "job definition forms that define worker groups to process the objects of the object-oriented system as the job objects according to job-object conditions, each job definition form representing a group of workers as a job," FIGS. 8, 9 and 36 of the Application).

RESPONSE: Claims 1, 19 and 32 continue to be indefinite. Claims 2-18, 25, 26 and 32 are also rejected because they depend on claim 1. As cited above, claim 1's grammatical construction is such as to make the claim's meaning indefinite, particularly grammatical construction of the prolog and the placement of the expression "real time in the limitation beginning with "a job monitor real-time monitoring, job processing ....". Claim 29's wording is indefinite because of the indefinite grammatical structure of the

phrase "wherein as the job object conditions definition form identifies for each worker group information indicating ...". A rephrasing consistent with the Specification would be: "wherein the job object conditions definition form identifies information relating to a job assigned to a worker group, indicating the rights to use the job objects, and at least one of ....". Claim 32 also remains indefinite because of its grammatical construction. The addition of the word "computer" in the preamble did not correct the indefiniteness. The source of the indefiniteness lies in the phrase "wherein as the job-object conditions a job definition form identifies for each worker group". The balance of the sentence is definite.

C. ARGUMENTS RE. 35 USC 103 REJECTIONS

(1) ARGUMENTS Re. Rejection of Claim 1.

(a) In regard to the Examiner's assertion of forms used to manage projects similar to the claimed invention, the Applicants request documentary evidence to support the well known assertion. In particular, the Applicants respectfully request documentary evidence of such alleged inherency in compliance with the USPTO's February 21, 2002 Memorandum on Relying on Facts Which are Not of Record as Common Knowledge or for Taking Official Notice. (page 11, lines 25-29).

RESPONSE: Matsuzaki et al. document the use of forms for the purpose of managing projects (Col. 19, line 67 – Col. 20, line 9).

(b) Matsuzaki's development activity models are not "representing a group of workers as a job" to manage job processing by the group of workers. Therefore, Matsuzaki manages jobs according to the jobs as shown in Matsuzaki's FIG. 2 and column 7, lines 12-28. (page 12, lines 13-17).

RESPONSE: The Specification does not support the definition of worker groups as the job objects or that worker groups are defined as a job. For a more detailed response please see the response to the arguments under 35 USC 112, first, item (3), above.

(c) Fargher and Matsuzaki do not discuss maintaining security of job objects.

RESPONSE: Worker groups are not defined as jobs in the Specification. Worker groups are assigned to a job as a resource. Focus has remained on the jobs, and an emergency group intervenes when something goes wrong with the performance of the job (supra).

(2) ARGUMENT RE. THE REJECTION OF DEPENDENT CLAIM 3: "dependent claim 3 recites movement of workers among the worker groups, which is not disclosed or suggested by any of the relied upon references". (page 14, line 27).

RESPONSE: Fargher discloses the movement of workers among worker groups (Col. 9, line 40 – Col. 10, line 46) "so that no resource group is overutilized and all constraints on processing are satisfied" (Col. 9, lines 44-45).

(3) ARGUMENT RE. THE REJECTION OF DEPENDENT CLAIMS 4, 6, and 11-15: The IBM Bulletin does not disclose or suggest the recitations of claims 4, 6 and 11-15, because the IBM Bulletin does not relate to a system for managing job objects among worker groups.

RESPONSE: Applicant argues against the obviousness combination of references. The contribution in the IBM Bulletin need not come from an environment where the exact same things are being managed. Such combinations of prior art references under the obviousness doctrine is well established in the law, as follows:

(a) To establish a prima facie case of obviousness, three basic criteria must be met.

* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.
* Second, there must be a reasonable expectation of success.
* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the

prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Examiner respectfully concludes that each of these obviousness rejection requirements have been met in this case. There is powerful motivation to combine the references to produce greater profit opportunities through improved performance in the managing of resources used among groups. There is strong and reasonable expectation for success for the combination, since the selective combination will only create positive synergy without any conflicts. Third, the prior art references, when combined, do teach all the claim limitations.

(b) The strongest rationale for combining references is a recognition, expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent, that some advantage or expected beneficial result would have been produced by their combination. In re Sernaker, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983). The above combination of the prior art of Fargher, Matsuzaki and the IBM Technical Disclosure Bulletin represent a powerful motivation to combine to one of ordinary skill in the art represented by this Application because of the clear beneficial results which are produced in the resulting computer automated method and system for managing resources used among groups, as Applicant concluded in producing his invention. Since a combination need only be by a hypothetical practitioner of the art, Applicant's invention represents a *prima facie* case of obviousness on the effective date of Applicant's invention.

(4) ARGUMENT RE. THE REJECTION OF DEPENDENT CLAIMS 2, 28-29, and 31-32.

Rapozo still does not disclose managing worker group rights with respect to job objects. Rapozo is silent on worker group rights.

RESPONSE: Rapozo discloses ManagePro 3.0 for windows as a "Multilink networking feature that lets managers share information about projects and coordinate employees and other resources assigned to those projects". (TEXT, lines 9-10). Rapozo also

mentions other similar software tools, such as SuperProject from Computer Associates International Inc. and Primavera Project Planner from primavera Systems, Inc. (TEXT, lines 18-19). The instant application's Specification defines worker group rights as rights pertaining to the rights to use various tools for the job at hand. Both the tolls and the workers are defines as a part of the resources for the accomplishment of a job. As such, the Rapozo reference is valid prior art for this claim limitation.

(5) ARGUMENT RE. THE REJECTION OF DEPENDENT CLAIMS 7-9 and 25; 10, 26, 17 and 18; and 16.

"Although these references disclose various communication mechanisms among people, such communication mechanisms are not used in connection with obtaining permissions to use objects (e.g., resources) of a job in a job management computer network system". (page 16, lines 2-4).

RESPONSE: Applicant argues against the obviousness combination of references. To be valid prior art, the contributions from the various prior art references used in these rejections need not come from the same management environments as the environment of the new invention. Such combinations of prior art references under the obviousness doctrine is well established in the law, as follows:

(a) To establish a prima facie case of obviousness, three basic criteria must be met.

* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

* Second, there must be a reasonable expectation of success.

* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Examiner respectfully concludes that each of these obviousness rejection requirements have been met in this case. There is powerful motivation to combine

the references to produce greater profit opportunities through improved performance in the managing of resources used among groups. There is strong and reasonable expectation for success for the combination, since the selective combination will only create positive synergy without any conflicts. Third, the prior art references, when combined, do teach all the claim limitations.

(b) The strongest rationale for combining references is a recognition, expressly or impliedly in the prior art or drawn from a convincing line of reasoning based on established scientific principles or legal precedent, that some advantage or expected beneficial result would have been produced by their combination. In re Sernaker, 702 F.2d 989, 994-95, 217 USPQ 1, 5-6 (Fed. Cir. 1983). The above combination of the prior art in the various combinations presented in the above rejections, such as of Fargher, Matsuzaki, the IBM Technical Disclosure Bulletin, Persham, Hwnag, Gaskill, Morishima, D'Agostino, Waldren, Zinsmeyer and Weber represent a powerful motivation to combine to one of ordinary skill in the art represented by this Application because of the clear beneficial results which are produced in the resulting computer automated method and system for managing resources used among groups, as Applicant concluded in producing his invention. Since a combination need only be by a hypothetical practitioner of the art, Applicant's invention represents a *prima facie* case of obviousness on the effective date of Applicant's invention.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 703-305-6199. The Examiner can normally be reached Monday through Friday, 9am to 6pm. If attempts to reach the Examiner by telephone are unsucccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on 703- 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:

(703)872-9306 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-9601 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2411 Crystal Drive, Arlington, VA, 7th floor receptionist.

SEC
January 21, 2004

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SUPERVISORY PATENT EXAMINER
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